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DOUG MOOD  
BRAD NEWMAN  
MARK NOENNIG

# Montana Legislative Council

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September 21, 2001

## MINUTES

Room 102, State Capitol  
Helena, Montana

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed. Committee tapes are on file in the offices of the Legislative Services Division.

**Exhibits for this meeting are available upon request. Legislative Council policy requires a charge of 15 cents a page for copies of documents.**

### **COMMITTEE MEMBERS PRESENT**

Sen. Tom Beck, Chairman  
Sen. Vicki Cocchiarella  
Sen. Mack Cole  
Sen. Steve Doherty  
Rep. Dan McGee  
Rep. Doug Mood  
Rep. Brad Newman  
Rep. Mark Noennig

### **COMMITTEE MEMBERS EXCUSED**

Rep. Kim Gillan, Vice Chairman  
Sen. B.F. "Chris" Christiaens  
Sen. Fred Thomas  
Rep. George Golie

### **STAFF PRESENT**

Lois Menzies, Executive Director, LSD  
Miko Owa, Secretary

Lee Heiman, Staff Attorney  
Lisa Mecklenberg Jackson, Legislative Librarian  
Kevin Hayes, Publication Coordinator/Session Information Officer  
Valencia Lane, Staff Attorney  
Susan Fox, Research Analyst  
Stephen Maly, Research Analyst  
Greg Petesch, Code Commissioner and Director of Legal Services  
Dave Bohyer, Research Director  
Mark Peck, Security Manager

### **COMMITTEE ACTION**

- Adopted minutes from June 25, 2001 meeting
- Agreed that Chairman would appoint a four-member subcommittee to address issues involving codification
- Approved three operating budget changes with respect to the Interim Committees and Activities Program
- Approved Operating Rules, Procedures and Guidelines for Interim Committees
- Approved removing the probationary status of Lois Menzies's employment

### **CALL TO ORDER AND ROLL CALL**

Chairman Beck called the meeting to order at 8:10 a.m. All members were present except Sen. Christiaens, Sen. Thomas, Rep. Golie, and Rep. Gillan, who were excused (ATTACHMENT #1).

### **APPROVAL OF MINUTES OF JUNE 25, 2001 MEETING**

The minutes from the June 25, 2001, meeting were approved without amendment (ATTACHMENT #2).

### **INTRODUCTION OF NEW STAFF**

**Lois Menzies, Executive Director, Legislative Services Division**, introduced Miko Owa as the new Legislative Secretary for the Council and Lisa Mecklenberg Jackson as the new Legislative Librarian. Ms. Menzies provided a brief background of each employee.

### **PUBLICATIONS UPDATE**

**Lee Heiman, Staff Attorney**, demonstrated the new Montana Codes Annotated (MCA) and Session CD ROMS as well as an on-line version of the MCA. Mr. Heiman reviewed several functions that make searching for code sections easier.

**Kevin Hayes, Publication Coordinator/Session Information Officer**, reviewed the following publications and their distribution: History and Final Status, Laws of Montana, Montana Legislative Review, and the MCA.

### **CODIFICATION ISSUES**

**Greg Petesch, Code Commissioner and Director of Legal Services**, discussed the

expanding use of contingency provisions and termination dates resulting in multiple versions of code sections. Mr. Petesch stated that increased use of these provisions has increased the amount of time necessary to produce the MCA in addition to creating confusion as to which law is in effect. He noted that the 2001 MCA contains 489 sections that have multiple versions, and he provided several examples (EXHIBIT #1).

Members discussed several possible approaches for addressing the issue of multiple versions of code sections including:

- Encourage staff to counsel against use of contingent effective dates, etc.
- Provide training to legislators about the problems created
- Adopt legislative rules restricting use of problematic provisions
- Change effective date of general bills to January 1
- Limit number of contingencies that a legislator may use
- Require House and Senate rules committees to approve contingencies
- Require Legislative Administration Committees to approve contingencies
- Require an extraordinary vote to attach a contingency to a bill
- Adopt legislation to restrict use of contingencies
- Require another hearing if there is a request for a contingency provision
- Allow contingencies to be added only by committee action

Sen. Cocchiarella asked if Mr. Petesch could review the current list of contingent effective dates, delayed effective dates, terminations, etc. She also asked if it would be possible to introduce a bill to remove them. Mr. Petesch responded that he will look into this.

Sen. Doherty moved that the Chairman appoint a subcommittee to develop recommendations for addressing the problems associated with enacting multiple versions of code sessions. He further moved that recommendations adopted by the Council be presented to the interim committees. The motion passed unanimously.

Chairman Beck said he would appoint a bipartisan and bicameral subcommittee. The subcommittee will begin its work in early 2002.

## **SECURITY IN THE CAPITOL COMPLEX**

**Mark Peck, Security Manager, General Services Division**, provided a current review of Capitol security. Key factors in determining the security needs of the state are:

- Life/safety issues
- Protection of valuable state resources
- Balance of security vs. access
- Lack of strategic security plan for the state

Mr. Peck stated that the Executive and Legislative branches need to discuss security options together and make a joint decision to determine where the state would like to be ten years from now.

Sen. Cocchiarella asked the Legislative Council to locate discussions on security from past meetings. Ms. Menzies stated she would provide them.

## **UPDATE ON LEGISLATIVE BROADCASTING**

**Stephen Maly, Research Analyst**, provided an update on the legislative broadcasting system (EXHIBIT #2). Mr. Maly reviewed several fund-raising techniques from direct donations to enhanced underwriting. On a technical level, Mr. Maly is coordinating with Montana PBS to utilize their digital capabilities to reach a greater number of Montanans. Mr. Maly also provided a look at Washington State's broadcast system (EXHIBIT #3).

Rep. McGee asked if the broadcasting equipment could also be used to supplement security at the Capitol. Mr. Maly responded that the conduit is available to partially utilize the equipment, but he does not know if it would be useful to the security professionals. Rep. McGee then asked if Mr. Maly would review high-end security equipment prior to purchasing any additional production equipment. Mr. Maly said he would.

Sen. Doherty asked if any donations received for the legislative broadcasting system will be tax deductible. Mr. Maly responded affirmatively.

## **OPERATING BUDGET PLAN CHANGES**

Ms. Menzies asked that three amendments to the Interim Committees and Activities Budget (Program 21) be approved (EXHIBIT #4). Sen. Cole moved to accept the budget changes. The motion passed unanimously with Sen. Cocchiarella voting in proxy for Rep. Gillan and Rep. Golie.

## **FOLLOW-UP ON AGENDA ITEMS FROM JUNE MEETING**

**Valencia Lane, Legislative Attorney**, provided an update on the class action suit challenging electrical deregulation (EXHIBIT #5). Ms. Lane stated that a hearing was held on June 27, 2001 in which the plaintiffs sought a temporary restraining order. This request was denied. This ruling has been appealed by the plaintiff's attorney.

Ms. Menzies provided an update on staff compensatory time. The Council had previously requested a comparison of the compensatory time accrued during the 1999 legislative session vs. the 2001 session. Ms. Menzies stated that the 2001 cumulation was less for the Legislative Services Division Staff (LSD).

Sen. Beck asked if the compensatory time had actually increased during this period because the Legislature in 1999 had approved adding three full-time equivalent employees. Ms. Menzies responded that there was not a net increase in LSD personnel during the 2001 session. One of the three positions was a LSD Research Analyst who had worked during the 1999 session as a temporary employee. The other two new positions were given to the Legislative Fiscal Division.

**Susan Fox, Research Analyst**, provided an update on judicial redistricting. Ms. Fox reported that Judge John McKeon has been appointed as the new Montana Judges' Association liaison. Judge McKeon has expressed some concerns about redistricting (EXHIBIT #6), and Ms. Fox has stated that she will respond to his concerns and seek a meeting with him in the near future. In regard to Legislative redistricting, Elaine Sliter's departure from the commission has left a vacancy, and Ms. Fox is working with Sen. Thomas to replace that position. Ms. Fox has

scheduled public hearings for November 2001.

### **LSD STAFF NEWS**

Ms. Menzies reported to the Council the following LSD staff activities:

- Beth Furbush, former longtime librarian, was the 2001 recipient of the Legislative Staff Achievement Award granted by the Legislative Research Librarians Staff Section of the National Conference of State Legislatures (NCSL)
- Three LSD documents (*The Shock of the New*, *Eminent Domain in Montana*, and *Improving the Montana Environmental Policy Act (MEPA) Process*) received a 2001 Notable Documents Awards for outstanding public policy analysis from NCSL
- Connie Erickson, Research Analyst, is teaching U.S. History at the Helena College of Technology
- Susan Fox, Research Analyst, is teaching Sociology of the Family at Carroll College
- Mark Reese, Legislative Documents Technician, took a leave of absence this summer to work at Camp Make-A-Dream, a camp for seriously ill children.

### **REPORTS FROM SUBCOMMITTEES**

Sen. Cole provided recommendations on Operating Rules for Interim Committees (EXHIBIT #7). **Dave Bohyer, Director, Office of Research and Policy**, reviewed the recommendations for the Council. After review and discussion, Sen. Cole moved that the Rules, Procedures and Guidelines for Interim Committees be approved. The motion passed unanimously with Sen. Cocchiarella voting by proxy for Rep. Gillan and Rep. Golie.

Sen. Cocchiarella briefed the Council on discussions held in the Management Advisory Subcommittee. From these discussions, the subcommittee recommends that Lois Menzies be removed from her initial probationary period. Sen. Cocchiarella moved that Ms. Menzies be removed from probation. The motion passed unanimously.

### **ADJOURNMENT**

The next meeting is scheduled for Friday, November 30, 2001. The meeting adjourned at 12:32 p.m.

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